

ing or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

FLOYD, Chairman.

A BILL

To Be Entitled

An Act to amend Chapter 77 of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session, convened on January 14, 1913, and adjourned on April 1, 1913, and approved March 24, 1913, the same being a Special Road Law for Bexar County, Texas, by adding thereto Section 31a authorizing the commissioners' court of Bexar County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 77, of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session, convened on January 14, 1913, and adjourned on April 1, 1913, and approved March 24, 1913, the same being a Special Road Law for Bexar County, Texas, be and the same is hereby amended by adding thereto Section 31a, which shall read as follows:

Section 31a. The commissioners' court of Bexar County is authorized and empowered to fund any and all indebtedness lawfully incurred for road and bridge purposes prior to January 1, 1928, whether the same be current, funding or simple contract debts, and whether issued in the form of warrants or otherwise into bonds of Bexar County, redeemable and payable in not more than forty (40) years from date; and the same may mature serially or otherwise as may be determined by the commissioners' court and may bear interest at the rate of not exceeding 4% per annum, interest payable annually or semi-annually as may be determined by said court. All such fund-

ing or refunding bonds shall be in such denomination as may seem expedient and the court shall provide for the levy of an annual tax upon all property within the county to provide for interest and sinking fund; provided that the aggregate amount of said bonds herein authorized shall not exceed the limitations provided by the Constitution of Texas; and provided further that it shall not be necessary to submit the issuance of said funding or refunding bonds to a vote of the property taxpayers of said county.

Sec. 2. The fact that Bexar County has a large amount of valid road and bridge warrants outstanding which can probably be refunded by the issuance of bonds at a lower rate of interest with a more convenient schedule of maturity, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and such rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

TENTH DAY.

Senate Chamber,
Austin, Texas,
May 24, 1927.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|------------|------------|
| Bailey. | Parr. |
| Berkeley. | Pollard. |
| Bledsoe. | Price. |
| Bowers. | Real. |
| Fairchild. | Reid. |
| Floyd. | Russek. |
| Greer. | Smith. |
| Hall. | Stuart. |
| Hardin. | Triplett. |
| Holbrook. | Ward. |
| Lewis. | Westbrook. |
| Love. | Wirtz. |
| Miller. | Witt. |
| Moore. | Wood. |
| Neal. | |

Absent.

| | |
|------------|-----------|
| McFarlane. | Woodward. |
|------------|-----------|

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Parr:

S. B. No. 31, A bill to be entitled "An Act ratifying and validating an election heretofore held in and throughout Dimmit County, Texas, upon the question authorizing the issuance of \$560,000.00 Special Road Bonds of said County, and levying a tax in payment thereof; ratifying and validating the petition for such election, the order calling such election and notices thereof, and all orders passed by the Commissioners' Court of said County in respect thereto, etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Holbrook:

S. B. No. 32, A bill to be entitled "An Act creating and establishing Brazos River Harbor Navigation District of Brazoria County under Section 59, Article 16 of the Constitution of Texas for the purpose of making improvements for the navigation of inland and coastal waters and for the preservation and conservation of inland and coastal waters for navigation and for control and distribution of storm and flood waters of rivers and streams in aid of navigation; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Fairchild:

S. B. No. 33, A bill to be entitled "An Act making better provision for the improvement of lateral roads in this State; making an appropriation for each of the two years ending August 31, 1928, and August 31, 1929, out of the State Highway Fund in the State Treasury for the benefit of lateral roads; defining lateral roads; defining lateral roads

as being roads connecting with and intersecting state designated highways; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Wood:

S. B. No. 34, A bill to be entitled "An Act amending Article 5160 of the Revised Civil Statutes of 1925; providing more adequate and better regulations and provisions in connection with bonds where a person or persons, firm or corporation, enter into a formal contract with this state or its counties or school districts or for any subdivisions thereof or any municipality therein for the construction of any public building or the prosecution and completing of any public work; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 35, A bill to be entitled "An Act providing for the separation of all public free school affairs in cities or towns from the municipal government therein; providing that all the power and authority over such schools shall be exercised by such cities or towns through their boards of education; providing for the election of trustees of the independent districts authorized herein; vesting the title to school property of such cities and towns in the independent district; authorizing the independent districts to assume outstanding bonds of cities and towns issued for school purposes; repealing all laws and parts of laws in conflict with the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Price:

S. B. No. 36, A bill to be entitled "An Act amending chapter 7 of Title 42 of the Revised Civil Statutes of Texas and to repeal articles 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2112, and to amend Article 2119 of the Revised Civil Statutes of 1925 and to amend Article 2141 of the Revised Civil Statutes of 1925 changing the method in Texas of selecting juries for services in the District and County Courts of the State of Texas and abolish the sys-

tem of selecting jurors by jury commissioners and substitute therefor the system of the wheel in selecting jurors for service in the District and County Courts of Texas, etc.

Read first time and referred to Committee on Civil Jurisprudence.

Simple Resolution No. 18.

Senator Fairchild sent up the following resolution:

Whereas, Several of the newspapers carried an article in Sunday's papers in substance as follows:

"The three employees of the Highway Department who were employed for the purpose of locating and recovering the various and sundry articles of road machinery belonging to the Highway Department that were used in road building and maintenance of roads under the former administration, have completed their work and many valuable pieces of road machinery have been recovered by them and delivered to the Highway Department."

The article further stated that the flagrant abuse of this machinery and the manner of its use possibly would call for prosecution in some instances, and

Whereas, The general public should be informed as to what districts and in whose possession and under whose supervision this machinery was at the time, and just who will be subject to prosecution for the flagrant misuse and abuse of this machinery in order that those not guilty shall be exonerated,

Therefore Be It Resolved, That the Highway Department furnish the Senate with the names of the employees who recovered this property and the division engineers in whose possession it was during the time above mentioned and the amount and value of the machinery recovered, in order that the general public may be fully advised as to the conditions mentioned in the press of the State.

FAIRCHILD,
HOLBROOK,
GREER.

The resolution was read and adopted.

Simple Resolution No. 19.

Senator Wirtz sent up the following resolution:

Whereas, Hon. J. A. Woodward, of Coleman, an honored and dis-

tinguished jurist of the State, and father of one of the members of this body, is in the city,

Be it resolved, that Judge Woodward be extended the courtesy of the Senate Chamber while in the city, and that he be invited to address the Senate at his convenience.

WIRTZ,
BAILEY.

The resolution was read and adopted.

Address by Hon. J. A. Woodward.

Senator Woodward escorted his father, Hon. J. A. Woodward, to the rostrum and introduced him to the Senate. Judge Woodward briefly addressed the Senate.

Senate Bills Nos. 21 and 22.

On the motion of Senator Wirtz, S. B. Nos. 21 and 22 were withdrawn from the Committee on Highways and Motor Vehicles and referred to the Committee on State Affairs.

Senate Bill No. 32.

Senator Holbrook received unanimous consent to withdraw the introduction of S. B. No. 32.

Senate Bill No. 7.

The Chair laid before the Senate as special order the following bill:

S. B. No. 7, A bill to be entitled "An Act making an appropriation for the year ending August 31, 1928, and for the year ending August 31, 1929, the same or so much thereof as may be necessary to be for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all school children of scholastic age living in small and financially weak districts; etc., and declaring an emergency."

The bill was read second time.

Senator Witt sent up the following amendment:

Amendment No. 4, S. B. No. 7.

Amend S. B. No. 7, pages 2 and 3 of the printed bill:

By striking out lines 25 to 32, page 2 and line 1 on page 3.

The amendment was read and adopted by the following vote:

Yeas—16.

| | |
|------------|-----------|
| Bailey. | Hall. |
| Bledsoe. | Hardin. |
| Fairchild. | Holbrook. |

| | |
|---------|------------|
| Moore. | Triplett. |
| Parr. | Westbrook. |
| Real. | Wirtz. |
| Russek. | Witt. |
| Stuart. | Woodward. |

Nays—11.

| | |
|-----------|----------|
| Berkeley. | Miller. |
| Bowers. | Neal. |
| Floyd. | Pollard. |
| Greer. | Reid. |
| Lewis. | Smith. |
| Love. | |

Absent.

| | |
|------------|-------|
| McFarlane. | Ward. |
| Price. | Wood. |

Senator Floyd sent up the following amendment:

By Senators Floyd, Pollard:

Amend Senate Bill No. 7 by striking out the words and figures "\$1,500,000.00," wherever same appears in said Bill and add in lieu thereof the words and figures, "\$3,000,000.00."

The amendment was read.

Senator Westbrook sent up the following amendment to the amendment:

Amendment No. 1 to Amendment No. 3, S. B. No. 7.

By Senator Westbrook:

Amend the amendment by striking out the figures ("3 millions") and in lieu thereof the figures 2 millions.

The amendment to the amendment was read and on the motion of Senator Bailey was tabled.

Senator Westbrook sent up the following amendment to the amendment:

Amendment No. 1 to amendment No. 3, S. B. No. 7.

By Senator Westbrook:

Amend the amendment by striking out the figures "3 millions" and insert in lieu thereof the figures two and one-half millions.

Senator Holbrook moved the previous question upon the amendment and the amendment to the amendment.

The Senate refused to order the previous question by the following vote:

Yeas—14.

| | |
|----------|-----------|
| Bailey. | Holbrook. |
| Bledsoe. | Lewis. |

| | |
|-----------|-----------|
| Moore. | Ward. |
| Real. | Wirtz. |
| Reid. | Witt. |
| Russek. | Wood. |
| Triplett. | Woodward. |

Nays—15.

| | |
|------------|------------|
| Berkeley. | Miller. |
| Bowers. | Neal. |
| Fairchild. | Parr. |
| Floyd. | Pollard. |
| Greer. | Smith. |
| Hall. | Stuart. |
| Hardin. | Westbrook. |
| Love. | |

Absent.

| | |
|------------|--------|
| McFarlane. | Price. |
|------------|--------|

Recess.

The Senate at 12:05 p. m. on the motion of Senator Hall, recessed until this afternoon at 2:00 p. m.

After Recess.

The Senate was called to order by Lieutenant Governor Barry Miller at 2:00 p. m., pursuant to recess.

Senate Bill No. 7.

The question recurred on the pending amendment to S. B. No. 7.

Senator Wood moved to table the pending amendment to the amendment by Senator Pollard.

The motion to table prevailed by the following vote:

Yeas—12.

| | |
|-----------|-----------|
| Berkeley. | Russek. |
| Bledsoe. | Triplett. |
| Hall. | Wirtz. |
| Holbrook. | Witt. |
| Lewis. | Wood. |
| Moore. | Woodward. |

Nays—9.

| | |
|------------|------------|
| Fairchild. | Price. |
| Floyd. | Reid. |
| Greer. | Smith. |
| Love. | Westbrook. |
| Parr. | |

Absent.

| | |
|---------|-------|
| Hardin. | Neal. |
| Miller. | Ward. |

(Pairs Recorded.)

Senator Pollard (present), who would vote no with Senator Real (absent), who would vote yea.

Senator Bailey (present), who would vote yea with Senator McFarlane (absent), who would vote nay.

Senator Stuart (present), who would vote yea with Senator Bowers (absent), who would vote nay.

Senator Pollard sent up the following substitute amendment:

By Senators Pollard, Floyd, Hardin, Smith, Greer, Neal, Bowers, Westbrook:

Amend Senate Bill No. 7, by striking out the words and figures, "One Million four hundred and seventy-five thousand (\$1,500,000.00) dollars", wherever they occur, and inserting in lieu thereof the words and figures, "Two and one-half million (\$2,500,000.00) dollars", or so much thereof as may be necessary for carrying out the purposes of this Act.

The amendment was read.

The substitute amendment was lost by the following vote:

Yeas—10.

| | |
|------------|------------|
| Fairchild. | Parr. |
| Floyd. | Price. |
| Greer. | Reid. |
| Love. | Smith. |
| Neal. | Westbrook. |

Nays—13.

| | |
|-----------|-----------|
| Berkeley. | Triplett. |
| Bledsoe. | Ward. |
| Hall. | Wirtz. |
| Holbrook. | Witt. |
| Lewis. | Wood. |
| Moore. | Woodward. |
| Russek. | |

Absent.

| | |
|---------|---------|
| Hardin. | Miller. |
|---------|---------|

(Pairs Recorded.)

Senator Bailey (present), who would vote nay with Senator McFarlane (absent), who would vote yea.

Senator Bowers (present), who would vote yea with Senator Stuart (absent), who would vote nay.

Senator Pollard (present), who would vote yea with Senator Real (absent), who would vote nay.

Senator Westbrook sent up the following substitute for the Pollard amendment:

By Senators Westbrook, Moore, Smith, Pollard, Fairchild, Price, Floyd, Neal, Greer, Love, Bowers, Parr, Reid:

Amend the bill by striking out the figures (" \$1,500,000.00") dollars, wherever they may occur and insert in lieu thereof the figures (\$1,750,000.00) dollars.

The substitute was read.

The substitute was lost by the following vote:

Yeas—9.

| | |
|------------|------------|
| Fairchild. | Parr. |
| Floyd. | Reid. |
| Greer. | Smith. |
| Love. | Westbrook. |
| Neal. | |

Nays—12.

| | |
|-----------|-----------|
| Berkeley. | Russek. |
| Bledsoe. | Triplett. |
| Hall. | Ward. |
| Hardin. | Wirtz. |
| Holbrook. | Witt. |
| Lewis. | Wood. |

(Pairs Recorded.)

Senator Bailey (present), who would vote nay with Senator McFarlane (absent), who would vote yea.

Senator Bowers (present), who would vote nay with Senator Price (absent), who would vote yea.

Senator Miller (present), who would vote nay with Senator Woodward (absent), who would vote yea.

Senator Pollard (present), who would vote yea with Senator Real (absent), who would vote nay.

Senator Moore (present), who would vote yea with Senator Stuart (absent), who would vote nay.

On the motion of Senator Wood, the pending amendment by Senator Pollard was tabled.

Message From the House.

The Chair recognized the Doorkeeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, May 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

With amendments.

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial

Department of the State Government for the two year period beginning September 1, 1927, and ending August 31, 1929, and declaring an emergency."

S. B. No. 28, A bill to be entitled "An Act providing for the creation and organization of a road district in Knox County, Texas, to be known and designated as Road District No. Two-A of Knox County, Texas; defining the boundaries of said district; providing such district may have and exercise all of the authority and privileges provided by the Constitution and laws of the State of Texas, concerning roads and road districts; providing the manner of operation, and of issuing notes, bonds, incurring debts, levying tax and assessment, to pay such bonds and debts and the interest and charges thereon, and operating expenses, etc., and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Senate Bill No. 2.

On the motion of Senator Wood, the Senate refused to concur in the House amendments to S. B. No. 2 and requested a conference committee to adjust the differences between the two Houses.

Simple Resolution No. 20.

Senator Pollard sent up the following amendment:

Whereas, on May 24, 1887, the Honorable Robert A. Stuart was born in Clarksville, Johnson County, Arkansas, and walked to Texas from Arkansas as soon as he could walk; and,

Whereas, on May 24, 1888, the Honorable Alvin J. Wirtz was born in Columbus, Texas, and has lived in Texas since that time; and,

Whereas, on May 24, 1917, Miss Ida May Wirtz, the charming, beautiful and attractive daughter of Senator and Mrs. A. J. Wirtz, was born in Seguin, Texas, and is now within the Senate Chamber.

Now, therefore, be it resolved that the Senate congratulate the people and Senate of Texas on the aforementioned fortunate events happening on this day, and extend to Miss Ida May Wirtz, Senator Wirtz and Senator Stuart the sincerest birth-

day greetings and the happiest and continuous succession of this, their birthday, and that their days be long, plentiful and bountiful in spiritual and material blessings.

Pollard, Russek, Greer, Bailey, Triplett, Fairchild, Floyd, Hardin, Smith, Westbrook, Neal, Holbrook, Real, Hall, Witt, Miller, Bowers, Woodward, Berkeley, Bledsoe, Moore, Wood, Ward, Parr, Lewis, Love, Reid.

The resolution was read and adopted.

Senate Bill No. 7.

Senator Greer sent up the following amendment:

Amend S. B. No. 7, page 2, lines 8 and 9 by striking out the words and figures "one and one half million dollars (\$1,500,000.00) and insert in lieu thereof the words and figures, "one million six hundred fifty thousand dollars."

The amendment was read.

The previous question was ordered upon the amendment and the section of the bill fixing the amount of the appropriation on the motion of Senator Bailey.

The amendment was lost by the following vote:

Yeas—8.

| | |
|------------|------------|
| Fairchild. | Neal. |
| Floyd. | Reid. |
| Greer. | Smith. |
| Love. | Westbrook. |

Nays—14.

| | |
|-----------|-----------|
| Berkeley. | Parr. |
| Bledsoe. | Russek. |
| Hall. | Triplett. |
| Hardin. | Ward. |
| Holbrook. | Wirtz. |
| Lewis. | Witt. |
| Moore. | Wood. |

Absent.

Stuart.

(Pairs Recorded.)

Senator Bailey (present), who would vote nay with Senator McFarlane (absent), who would vote yea.

Senator Pollard (present), who would vote yea with Senator Real (absent), who would vote nay.

Senator Miller (present), who would vote nay with Senator Wood-

ward (absent), who would vote yea.
 Senator Bowers (present), who would vote nay with Senator Price (absent), who would vote yea.

Section 14 of the bill (providing for the amount of appropriation) was adopted.

On the motion of Senator Love, S. B. No. 7 was made a special order for tomorrow (Wednesday) morning after the morning call.

Senate Bill No. 12.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 12, A bill to be entitled "An Act amending the local road law of Dallas County so as to better provide for construction, reconstruction and repair of dirt roads connecting with the pikes or hard surfaced roads in said county, and so as to make more ample provision for the removing and preventing of impediments on the public highways of Dallas County such as junk, or debris, tin cans, glass or other similar impediments; and declaring an emergency."

The bill was read second time.

Senator Love sent up the following amendment:

Amend S. B. No. 12, by striking out all of lines 19 to 28 inclusive, and inserting in lieu thereof the following:

Section 16A. Hereafter one-half of all moneys, other than moneys raised by the issuance of bonds, that shall be expended in any Commissioners Precinct of Dallas County out of the road and bridge fund of said County shall be used for the construction, reconstruction or repair of existing roads leading into and connecting with cardinal, intermediate and other hard surface roads until all lateral roads of such Commissioners Precinct shall have been put into reasonably safe conditions for travel in all kinds of weather. In determining which of such roads shall first be constructed, reconstructed or repaired, other things being equal, those lying nearest the county line shall have priority.

The amendment was read and adopted.

The bill as amended was passed to engrossment.

On motion of Senator Love, the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 12 was put on its third reading and final passage, by the following vote:

Yeas—26.

| | |
|------------|------------|
| Bailey. | Neal. |
| Berkeley. | Parr. |
| Bledsoe. | Pollard. |
| Fairchild. | Reid. |
| Floyd. | Russek. |
| Greer. | Smith. |
| Hall. | Triplett. |
| Hardin. | Ward. |
| Holbrook. | Westbrook. |
| Lewis. | Wirtz. |
| Love. | Witt. |
| Miller. | Wood. |
| Moore. | Woodward. |

Absent.

| | |
|------------|---------|
| Bowers. | Real. |
| McFarlane. | Stuart. |
| Price. | |

The bill was read third time and passed finally, by the following vote:

Yeas—26.

| | |
|------------|------------|
| Bailey. | Neal. |
| Berkeley. | Parr. |
| Bledsoe. | Pollard. |
| Fairchild. | Reid. |
| Floyd. | Russek. |
| Greer. | Smith. |
| Hall. | Triplett. |
| Hardin. | Ward. |
| Holbrook. | Westbrook. |
| Lewis. | Wirtz. |
| Love. | Witt. |
| Miller. | Wood. |
| Moore. | Woodward. |

Absent.

| | |
|------------|---------|
| Bowers. | Real. |
| McFarlane. | Stuart. |
| Price. | |

Simple Resolution No. 21.

Senator Hall received unanimous consent to send up the following resolution:

Whereas, The Senate adopted a resolution during the Second Called Session of the Thirty-Eighth Legislature authorizing the placing of a portrait of Major General John A. Hulen in the Senate Chamber, and

Whereas, The Senate is now informed that the portrait has been completed and is ready for delivery, therefore be it

Resolved, by the Senate, That the portrait of Major General John A. Hulen be hung in the Senate Chamber and that the hour of 11:00 a. m. on Friday, June 3, 1927, be set for the unveiling ceremony, and that the Senate stand adjourned at that hour until the ceremony has been completed, and be it further

Resolved, That the present and former members of the Texas National Guard and the citizens of Texas in general are invited to attend this ceremony.

The resolution was read and adopted.

Simple Resolution No. 22.

Senator Moore sent up the following resolution:

Whereas, It is necessary for the members of the Senate and House of Representatives to have use of the elevator on Sunday and Sunday night, and

Whereas, It is necessary for two elevator operators to be employed for this service, and

Whereas, The elevator operators were appointed at the beginning of the first regular session of the 40th Legislature, and

Whereas, Provision was not made at the organization of the first Special Session of the 40th Legislature to pay said elevator operators,

Therefore Be It Resolved, By the Senate of Texas that the two elevator operators appointed at the beginning of this special session be paid out of the contingent fund of the Senate at the rate of four (\$4.00) dollars per Sunday each, this practice being in conformity with past practice of the Legislature.

The resolution was read and adopted.

Bill Signed.

The Chair signed in the presence of the Senate, after its caption had been read, S. B. No. 28.

Senate Bill No. 10.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 10. A bill to be entitled "An Act providing a means of increasing the efficiency of publicly supported institutions of higher learning in this State; creating the State Board of Higher Education;

and prescribing its duties and functions; authorizing said board to secure the facts and information and study the needs in reference to publicly supported institutions of higher learning in this State; granting authority to said Board in order to prevent and eliminate duplications in the work of State institutions of higher learning publicly supported in this State; authorizing said Board to estimate the needs of such institutions and present them to the Board of Control to be included in the budget; making an appropriation to carry out the purposes of this Act; and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—20.

| | |
|------------|------------|
| Berkeley. | Parr. |
| Bledsoe. | Reid. |
| Fairchild. | Russek. |
| Floyd. | Smith. |
| Greer. | Triplett. |
| Lewis. | Westbrook. |
| Love. | Wirtz. |
| Miller. | Witt. |
| Moore. | Wood. |
| Neal. | Woodward. |

Nays—4.

| | |
|---------|-----------|
| Bailey. | Holbrook. |
| Hall. | Pollard. |

Absent.

| | |
|------------|---------|
| Bowers. | Real. |
| Hardin. | Stuart. |
| McFarlane. | Ward. |
| Price. | |

Adjournment.

On motion of Senator Bailey, the Senate at 4:50 o'clock p. m., adjourned until 10 o'clock a. m. Wednesday.

APPENDIX.

Petitions and Memorials.

House of Representatives.

Senator Pollard:

As I have not been able to use this knife in the House on any of the appropriation bill and as the Senate really needs the knife, use it for good of the people.

SWAIN.

(Attached to this was one rusty butcher knife wrapped in a copy of the Ferguson Forum.)

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 24, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 28 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 24, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 10 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 24, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred.

S. B. No. 22, A bill to be entitled "An Act regulating the slaughter and sale of the meat of animals for market and providing that every person engaged in the occupation of a butcher or slaughterer of cattle in this State, shall file a bond to be approved by the county judge of the County in which he desires to carry on such business; setting out the terms of said bond and providing penalties for violation thereof, and repealing Articles 6904 and 6908, Title 121, Chapter 3 of the Revised Civil Statutes of Texas of 1925; and repealing Articles 1447, 1449 and 1450, Title 17, Chapter 11 of the Penal Code of the State of Texas adopted in 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with committee amendments, and be printed in the journal.

PARR, Chairman.

Amendment No. 1.

Amend S. B. No. 22 by striking out all of Section 3 and inserting in lieu thereof the following:

"Every person who slaughters animals for market or sells the meat thereof shall when such meat or carcas is sold, or offered for sale, accompany it by a lawful Bill of Sale to such animal or animals, if purchased, and the hide shall be inspected by some sheriff, deputy sheriff, constable, deputy constable, or magistrate in the county in which such meat is slaughtered, or is offered for sale, which officers so inspecting such hide shall be entitled to a fee of fifty cents (50c) for each hide of the bovine species so inspected, and ten cents (10c) for each sheep and goat hide so inspected, and such officer making such inspection shall check up such Bill of Sale and issue a certificate in duplicate, filing one copy of same with the county clerk, together with such Bill of Sale, showing description of animal or animals by brands and marks, or if any are unbranded or unmarked, by color, and he shall designate the hide of such animal by removing one ear from said hide, and in case the ears do not accompany the hide said inspector shall designate the hide by cutting two small round holes in either front leg of said hide."

By Bledsoe.

H. B. No. 22.

A BILL
To Be Entitled

An Act regulating the slaughter and sale of the meat of animals for market and providing that every person engaged in the occupation of a butcher or slaughterer of cattle in this State, shall file a bond to be approved by the county judge of the county in which he desires to carry on such business; setting out the term of said bond and providing penalties for violation thereof; and repealing Articles 6904 and 6908, Title 121, Chapter 3 of the Revised Civil Statutes of Texas of 1925; and repealing Articles 1447, 1449 and 1450, Title 17, Chapter 11 of the Penal Code of the State of Texas adopted in 1925, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Every person in this State who slaughters animals for market and who sells the meat of animals for market shall make a re-

port to each regular meeting of the 'Commissioners' Court in each County in which he carries on such business, slaughters such animals or sells the meat thereof, giving the number, color, age, marks and brands of all the animals slaughtered by him since the last term of said court, to be filed with and kept on file by the county clerk. Each such report shall be accompanied by a legal bill of sale or written conveyance to the butcher or any person not regularly engaged in the occupation of butcher but who slaughters animals and sells or distributes the meat thereof occasionally, for every animal that he has purchased for slaughter. If any of the animals slaughtered have been raised by himself, it shall be so stated, giving description by mark and brand or flesh marks, color, age and approximate weight of such animals raised by himself, in the report. Such reports so made to such court may, at the discretion of the court, be destroyed after a period of five years.

Sec. 2. Every person in this State who slaughters animals for market or sells the meat thereof, before engaging in such business shall first register his name with the county clerk of the counties in which he proposes to carry on such occupation, indicating his purpose to engage in such business, and shall pay to the county clerk a fee of twenty-five (25c) cents for such registration.

Sec. 3. Every person who slaughters animals for market or sells the meat thereof, shall, when such meat or carcass is sold or offered for sale, accompany it by the hide of such animal and a lawful bill of sale to such animal before selling or offering said meat for sale, said hide or carcass shall be inspected by some sheriff, deputy sheriff, constable, deputy constable or magistrate in the county in which such meat is offered for sale, which officer so inspecting said hide shall be entitled to a fee of fifty (50c) cents for each hide of the bovine species so inspected, ten (10c) cents for each sheep and goat hide so inspected and ten (10c) cents for each hog or the carcass thereof so inspected, and such officer making said inspection shall take up said bill of sale and issue a certificate in duplicate, filing one copy of same with the county

clerk together with such bill of sale, showing description of animal or animals by brands and marks, or if unbranded or unmarked, by color and he shall designate the hide of said animal by removing one ear from said hide and in case the ears do not accompany the hide said inspector shall designate the hide by cutting two small round holes in either front leg of said hide.

Sec. 4. Every person, before he shall set up and carry on the trade or occupation of butcher or slaughterer of animals in this State for market, or shall engage in the sale of meats from animals slaughtered in any manner shall file a bond to be approved by the county judge of the county in which he desires to carry on the business, in a sum of not less than five hundred (\$500.00) dollars nor more than twenty-five hundred (\$2,500) dollars, payable to the State of Texas, conditioned that he shall keep a true and faithful record in a book kept for that purpose of all animals or the carcasses thereof purchased or slaughtered by him and a description of the animals, including marks, brand, age, color, weight and from whom purchased and the date thereof; that he will have the hide and ears of such animals inspected by some sheriff, deputy sheriff, constable, deputy constable, or magistrate of such county within forty-eight hours after same is slaughtered and that he will not purchase any animals that have been slaughtered by another where the ear mark or brand on the hide accompanying such animal offered for sale has been changed, mutilated or destroyed, and that he will not purchase the carcass of any animal that is not accompanied by the hide of such animal. Any butcher or slaughterer of animals who shall violate any condition of said bond may be sued upon his bond at the instance of the county or district attorney of the county where such bond is given. All sums recovered by suits upon said bond shall be paid into the county treasury and become a part of the available school fund of such county.

Sec. 5. If any butcher or person engaged in the slaughter of animals for market or for sale of the meat thereof in any county, city, town or village in this State, shall fail to have the hide of such animal in-

spected by some sheriff, deputy sheriff, constable, deputy constable or magistrate, or shall fail to report to the commissioners' court of the county in which he transacts such business, at each regular term thereof, the number, color, age, sex, mark and brand of every animal slaughtered by him since the last term of said court accompanied by a legal bill of sale or conveyance to him of every animal slaughtered, save such as were raised by himself, which shall be specified or, shall fail to comply with any of the requirements of this Act, he shall be fined not less than two hundred fifty (\$250.00) dollars nor more than one thousand (\$1,000.00) dollars.

Sec. 6. If any butcher or any person engaged in the slaughter of animals for market or the sale of the meat thereof, shall offer for sale any carcass or part of a carcass thereof, not accompanied by the hide of such animal, he shall be fined not less than two hundred fifty (\$250.00) dollars nor more than one thousand (\$1,000.00) dollars.

Sec. 7. Any person engaged in the business of the slaughter and sale of animals for market who fails to register his name with the county clerk of the county in which he engages in such business, indicating his purpose to engage in such business, shall be fined any sum not less than two hundred fifty (\$250.00) dollars nor more than one thousand (\$1,000.00) dollars.

Sec. 8. The provisions of this Act shall not apply to any person, firm or corporation engaged in the business of slaughtering or in the business of butchering animals for market when such business comes within the provisions of the Packer and Stockyard Act passed by the Congress of the United States, and whose business is under the supervision of the United States Department of Agriculture.

Sec. 9. Articles 6904 and 6908, Title 121, Chapter 3 of the Revised Civil Statutes of Texas adopted in 1925, and Articles 1447, 1449 and 1450, Title 17, Chapter 11, Penal Code of the State of Texas, adopted in 1925, be and the same are hereby repealed.

Sec. 10. The fact that there is now no adequate butcher law upon the statute books of Texas, and the further fact that thousands of ani-

mals are being stolen, slaughtered, and the meat thereof sold in many portions of Texas, creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 18, A bill to be entitled "An Act to provide for the eradication of scabies among sheep and cattle, to provide adequate quarantine and sanitary measures, to provide for the inspection and dipping, and certification of said livestock, and to provide adequate penalties for violation of quarantine and dipping orders of the Live Stock Sanitary Commission, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the journal.

PARR.

By Berkeley, Real. S. B. No. 18.

A BILL

To Be Entitled

An Act to provide for the eradication of scabies among sheep and cattle, to provide adequate quarantine and sanitary measures, to provide for the inspection and dipping, and certification of said livestock, and to provide adequate penalties for violation of quarantine and dipping orders of the Live Stock Sanitary Commission, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any person, Company or Corporation owning, controlling or caring for any sheep which are infected with sheep scabies or cattle which are infected with cattle scabies, or that have been exposed to the said sheep or cattle scabies infection within six months next preceding the issuance of the written di-

rection to dip hereinafter provided, who shall fail or refuse to dip any of said sheep or cattle at such time and in such manner as directed in writing by the Live Stock Sanitary Commission or its Chairman as provided for in this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$50.00 nor more than \$200.00, and each day of such failure or refusal shall constitute a separate offense.

Sec. 2. The Live Stock Sanitary Commission or its Chairman is hereby authorized and empowered to direct in writing any person or persons, Company or Corporation owning, controlling, or caring for any sheep or cattle which are subject to being dipped under the provisions of this Act, to dip any or all of said sheep or cattle under the supervision of an authorized inspector of such Commission in the dip or dipping solutions hereinafter provided for the dipping of sheep and cattle respectively for the purpose of destroying, eradicating, curing, and removing such scabies or exposure thereto. Said dipping or dippings shall, when administered for psoroptic scabies infection or exposure among sheep or cattle be at regular intervals of from 10 to 14 days, but when said dipping or dippings shall be administered for sarcoptic scabies infection or exposure among cattle the same shall not be required at more frequent intervals than every 6 days.

Sec. 3. All dippings of sheep for scabies infection or exposure under the provisions of this Act shall be done in a solution of lime and sulphur made in the following proportions; eight pounds of unslacked lime or eleven pounds of commercial hydrated lime (not air slacked lime) and twenty-four pounds of Flowers of Sulphur to each one hundred gallons of water, said solution to be boiled for a period of at least two hours before using, which shall at all times be maintained at a strength of not less than $1\frac{1}{2}$ percent sulphide sulphur or in such other dip or dipping solutions as may be approved by the Live Stock Sanitary Commission of this State and designated by it in the written instructions and notice to dip served upon such person or persons, Company, or Corporation owning, controlling or car-

ing for said sheep. The dipping solution shall at all times be maintained at a temperature of not less than 95 nor more than 105 degrees Fahrenheit. No dipping solution shall be used which has been mixed and in the Vat more than 10 days.

Sec. 4. All dipping or dippings of cattle for psoroptic scabies infection or exposure thereto shall be done in the same solution or dip as above provided for dipping sheep except that the solution or dip shall be maintained at a strength of not less than 2 per cent sulphide sulphur and the same shall be at all times maintained at a temperature of not less than 95 nor more than 105 degrees Fahrenheit.

Sec. 5. All dipping or dippings of cattle for sarcoptic scabies infection or exposure thereto shall be done in the same solution or dip as herein provided for dipping cattle infected with or exposed to psoroptic scabies infection except, the dippings shall not be required at more frequent intervals than 6 days, and further provided that one dipping in crude oil shall be considered effective and sufficient for eradication of sarcoptic scabies infection among cattle.

Sec. 6. All dippings, inspections and certifications for scabies among sheep and cattle and all disinfection of cars, sheds, boats, chutes, alleys, platforms, pens and yards required by the provisions of this Law shall be done under the supervision of an authorized inspector of the Live Stock Sanitary Commission of Texas.

(a) All sheep infected with scabies and all sheep in a herd where scabies infection is present shall be classed as scabies infected sheep.

(b) All cattle infected with scabies and all cattle in a herd where scabies infection is present shall be classed as Scabies infected cattle.

(c) All sheep and cattle that enter or have access to any corrals, sheds, cars, roads, pastures, premises or other places that scabies infected sheep or cattle as the case may be, have entered or had access to at any time within the next preceding ninety days shall be classed as exposed to scabies infection and all sheep shorn by a shearing plant that has shorn infected sheep within the next preceding ninety days shall be classed as scabies exposed sheep provided the above named places or premises have not been disinfected since the

infected sheep have moved or been removed therefrom, provided that cattle and sheep shall be subject to dipping as provided for in Section 1 of this Act at any time within the period of time prescribed in said Section 1, and in accordance with the provisions of said Section 1.

Sec. 7. No sheep or cattle that are under quarantine for scabies infection or exposure by written order of the Live Stock Sanitary Commission or its Chairman, or that are on any premises within this State which are quarantined by said Commission for scabies infection or exposure thereto shall be moved or allowed to move therefrom unless and until certified to by an authorized inspector of the Live Stock Sanitary Commission. Any person, firm or corporation violating the provisions of this Section of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$100.00 nor more than \$1000.00.

Sec. 8. When the fact has been determined by inspection or investigation that sheep or cattle scabies infection exists in any County within this State, then the County Commissioners Court of such County shall appropriate a sufficient sum of money to employ County inspectors to cooperate with and under the direction of the Live Stock Sanitary Commission of Texas in scabies eradication.

(a) If for any reason the County Commissioners Court does not cooperate by appropriating the said money to pay said inspector or inspectors, then it shall be the duty of the Live Stock Sanitary Commission to place the County under blanket quarantine and no sheep or cattle shall be moved therefrom until and unless certified to by an authorized inspector of the Live Stock Sanitary Commission.

Sec. 9. All goats ranging with infected sheep shall be dipped at least once in the same solution and in the same manner as infected sheep except they shall not be held in the dipping vat for a longer period than is necessary to thoroughly wet them.

Sec. 10. The written direction issued by the Live Stock Sanitary Commission or its Chairman requiring the dipping of sheep or cattle for sheep or cattle scabies under the provisions of this Act shall be dated

showing the date of its issuance, the name of the person or persons, Company or Corporation to whom said directions are given, the approximate location of the premises on which the said livestock are located, the name of the County in which said premises are located, and it shall state in clear and intelligible language that the said sheep or cattle which the said person or persons, Company or Corporation is therein directed to dip are infected with scabies or that they are exposed thereto, and it shall direct said person or persons, Company or Corporation to dip the said livestock under the supervision of an authorized inspector of the Live Stock Sanitary Commission in the dipping solutions provided in this Act, or such other dipping solutions as the Live Stock Sanitary Commission may approve for such purpose, designating the same, and it shall designate the date, place and time that the said dipping is to be done, and it shall be signed by the Live Stock Sanitary Commission or its Chairman.

Sec. 11. The said dipping direction shall be delivered to the person, Company or Corporation owning, controlling or caring for said sheep or cattle required to be dipped at least 14 full days before the date and time said dipping is to be administered. The person, Company or Corporation owning, controlling or caring for said sheep or cattle required to be dipped under the provisions of this Act may file with the Live Stock Sanitary Commission or its Chairman at any time within 5 days after receiving said dipping directions to dip a written affidavit denying the said sheep or cattle are subject to being dipped under the provisions of Law or that for good and sufficient reason set out in said affidavit the said person, Company or Corporation is entitled to have said dipping direction rescinded or to have said dipping postponed, and requesting that the Live Stock Sanitary Commission or its Chairman withhold enforcement of said dipping direction and grant a hearing on said matter or make necessary investigation to determine the correctness of the statement contained in such affidavit. Upon receipt of said affidavit the Live Stock Sanitary Commission or its Chairman shall within 5 days thereafter grant said

affiant a hearing in the office of the Chairman of the Live Stock Sanitary Commission, if the affiant so desires, and give such affiant notice of such hearing by telegram or registered mail, which hearing shall be had not less than 4 days after the giving of such notice and that said Live Stock Sanitary Commission or its Chairman shall consider such ex-parte affidavits as such person, Company or Corporation may file with said Commission in said hearing and said Commission or its Chairman shall make such investigation in person or through its authorized representatives in reference to said affidavit as the Commission or its Chairman deem necessary, and if the statements in said affidavit are found to be correct the said dipping direction shall be rescinded by the said Commission or its Chairman, or said dipping postponed to such time as said Commission or its Chairman may consider proper. Otherwise, the said dipping direction shall be enforced on the date and at the time specified in said written direction. The said Commission or its Chairman after having granted said hearing or said investigation shall notify said person, Company or Corporation in writing of its or his findings, which notice shall be delivered to the said person, Company or Corporation at least four full days before the day and time he or they are required to dip said sheep or cattle by virtue of said written direction. If the said person, Company or Corporation shall be dissatisfied with the findings of said Commission or its Chairman he or they may apply to a court of proper venue and jurisdiction for injunction or other relief.

Sec. 12. The ascertaining of the presence of scabies infection on any premises, place, sheep or cattle or the ascertaining of exposure of premises, places, sheep or cattle to scabies infection shall be done by an authorized representative or inspector of the Live Stock Sanitary Commission and for such purpose said representatives and inspectors are hereby authorized to enter upon any private or public premises of this State where sheep or cattle are kept or ranged and it shall be the duty of the person or persons, Company or Corporation owning, or controlling such premises or range or

the sheep or cattle thereon to when requested by such representative or inspector or member of said Commission to gather the sheep or cattle on said range for inspection and a failure or refusal to do so shall be prima facie evidence that the said premises and the sheep or cattle thereon are infected with scabies, and authorize the quarantining of such premises and the sheep and cattle thereon under the provisions of Law, authorizing such quarantine by order of the Live Stock Sanitary Commission. Any person who shall refuse to gather any sheep or cattle of which he is the owner or caretaker from the range when requested by an inspector of the Live Stock Sanitary Commission for the purpose of inspection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$100.00 nor more than \$200.00, and on each day on which said refusal is made shall constitute a separate offense.

Sec. 13. When sheep infected with scabies are located upon premises which are under quarantine for sheep scabies under the Laws of this State are shorn by an itinerant shearing plant or shearing crew it shall be unlawful for the person, Company or Corporation owning, controlling or having charge of such shearing plant or crew or the laborers engaged in the shearing of said sheep or packing the wool shorn therefrom to move from the premises where said sheep are shorn until the said shearing plant and wearing apparel of said shearers in use during said shearing shall have been disinfected as hereinafter provided.

Sec. 14. All utensils, machinery, floors, ground coverings, or other portions of said shearing plant which come in contact with the body of said sheep shall be thoroughly cleaned with pure gasoline. The wearing apparel of the laborers engaged in shearing said sheep and handling and packing the wool shorn from said sheep shall be disinfected by being submerged in boiling water for a period of five minutes.

Sec. 15. Any person, Company or Corporation owning, controlling or having charge of any itinerant shearing plant or crew or person shearing sheep or handling or packing the wool therefrom which are infected with scabies or located upon prem-

ises under quarantine for sheep scabies who fails or refuses to disinfect the said shearing plant or any portion thereof or the wearing apparel as herein required shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than one nor more than one hundred dollars.

Sec. 16. When any premises are placed under quarantine for sheep scabies infection it shall be the duty of the owner, lessee, or person in charge of such premises to cleanse and disinfect all corrals, water lots, pens, sheds or other places where sheep have been closely confined in the following manner:

Sec. 17. All manure and litter shall first be removed and burned or buried, then the surface of such corrals, water lots, pens, sheds, or other places where sheep have been closely confined shall be sprayed with a solution made of six ounces of 95 percent carbolic acid to each gallon of water, or a solution containing four ounces of cresol compound U. S. P. to each gallon of water under the supervision of an authorized inspector of the Live Stock Sanitary Commission before any sheep which are not infected with scabies or exposed thereto shall be permitted to enter such corrals, water lots, pens, sheds or other places where infected sheep have been closely confined. Any person, Company or Corporation violating any of the provisions of this section of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than twenty-five nor more than fifty dollars.

Sec. 18. When any person, Company or Corporation owning, or having charge of any sheep or cattle required to be dipped under the provisions of this Act for infection or exposure to sheep or cattle scabies shall for any reason fail or refuse to dip said sheep or cattle it shall be the duty of the County Commissioners Court of said County under the direction and supervision of an authorized inspector of the Live Stock Sanitary Commission to have said sheep or cattle dipped in accordance with the provisions of this Act, and to pay the expense of such dipping by warrant drawn upon the general funds of the said County. It shall be the duty of the County Commissioners Court of any and all Counties

within the State of Texas to cooperate with the Live Stock Sanitary Commission in eradication and control of cattle and sheep scabies within their respective Counties whenever the said disease exists in said Counties or whenever the Live Stock Sanitary Commission has reason to believe that the infection exists therein; Counties shall pay the salaries and necessary travelling expenses of County inspectors for the purpose of inspecting, dipping, and certifying to livestock in said Counties, said inspectors to be appointed by the Live Stock Sanitary Commission and to work under the direction of the Live Stock Sanitary Commission, and said inspectors are hereby required to perform all duties necessary to the inspection, dipping, and certification of said Livestock. In case the owner or caretaker fails or refuses to dip his livestock in compliance with any of the provisions of this Act, the County Commissioners Courts shall provide necessary dipping vats, facilities, and pens together with dipping fluids and material for dipping said Livestock, the same to be furnished at the expense of the respective Counties, to be paid for out of their general funds.

Sec. 19. Inspectors of the Live Stock Sanitary Commission are hereby authorized and directed to enter upon the premises of any person, firm or corporation for the purpose of inspecting, classifying, or dipping cattle or sheep for scabies or exposure thereto whenever in the opinion of the Live Stock Sanitary Commission such inspection, classification, or dipping is deemed necessary. Any person who shall refuse to permit an inspector of the Live Stock Sanitary Commission to enter upon any premises of which he is the owner or tenant or caretaker for the purpose of making said inspection, classification, or dipping, shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than \$100.00 and not more than \$200.00, and each separate day on which said refusal is made shall constitute a separate offense.

Sec. 20. The Live Stock Sanitary Commission is hereby authorized to employ a Chief Cattle and Sheep Scabies Inspector, whose duties shall be to supervise the inspectors en-

gaged in sheep and cattle scabies eradication, and the said Commission shall employ District Supervising Inspectors and Local Inspectors for the purpose of eradicating cattle and sheep scabies. Salaries of local County Inspectors to be paid by the Counties, but salaries of the said Chief Inspector and District Supervising Inspectors to be paid by the State.

Sec. 21. It shall be unlawful for any person, Company or Corporation to drive, drift, ship or haul by common carrier or private conveyance, or in any other manner transport or move or permit the movement along or across any public road or railroad or on or across the land or premises of another, any sheep or cattle which are infected with or exposed to scabies or that are under quarantine for scabies infection or exposure and any person violating any of the provisions of this section of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$100.00 nor more than \$1,000.00. Provided that each public road, railway, and premise of another along, across, or onto which said person, Company or Corporation shall drive, drift, haul or transport any of said Livestock shall constitute a separate offense. Provided that the venue for the prosecution of persons, firms, or corporations violating any quarantine provision of any section of this Act shall be in the County from which said illegal movement was made and in any and all counties into or through which said livestock moved.

Sec. 22. From and after the passage of this Act importation of sheep into this State by rail or other mode of movement shall not be made except under the following restrictions:

(a) The importer must apply to and receive from the Livestock Sanitary Commission of this State, permission to import any sheep (except sheep billed to market centers for slaughter purposes) into the State.

(b) Such importations shall be accompanied by a certificate of a regularly employed and duly authorized sheep scabies inspector of the State of origin or a duly appointed and acting sheep scabies inspector of the United States Bureau of Animal Industry certifying that said sheep

are free from scabies infection and exposure thereto, and that said sheep have been dipped in a dipping fluid recognized by the United States Bureau of Animal Industry for the eradication of sheep scabies and in a manner calculated to have eradicated infection or exposure as the case may be within ten days next preceding the date of such importation provided, however, that sheep dipped for infection at point of origin shall be held under quarantine at point of destination for a period of one hundred and eighty days. By "point of destination" as used herein is meant the range upon which the said sheep are placed in this State provided further that in the event the sheep are accompanied by the proper certification and permit they may be moved into the State without first having been dipped, when arrangements are made with the Live Stock Sanitary Commission at Fort Worth, Texas, prior to movement, to dip on arrival in the State.

(c) All importations of sheep by rail shall be billed to recognized sheep dipping center where the Live Stock Sanitary Commission of this State maintains an inspector to supervise the dipping of sheep except sheep imported for show purposes only or for immediate slaughter, and upon arrival thereat shall be dipped in accordance with the provisions contained in sections Two and Three of this Act, unless the same are accompanied by a certificate of dipping at point of origin as provided in Section 22 (b) of these requirements.

(d) The importer of show sheep shall be given a reasonable length of time to display his sheep at County Fairs or Livestock Exhibits, but in no instance shall this time be extended for a longer period than sixty days from date of importation and all such sheep shall be kept separate from all other than Show sheep, and shall be dipped at least once before being distributed to the range.

(e) Any person, Company or Corporation importing any sheep into this State in violation of this Section of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$1.00 nor more than \$5.00 for each head of sheep so unlawfully imported, and the venue of such prosecution shall

be in any County through or into which such importation is carried. Provided that each county into or through which said sheep are moved shall constitute a separate offense.

Sec. 23. No common carrier by rail in this State shall receive from any shipper or connecting carrier for importation into this State any shipment of sheep (except sheep billed for slaughter purposes) unless the bill of lading covering said shipment is accompanied by a written permit from the Live Stock Sanitary Commission of this State or its Chairman, permitting such sheep to be imported into this State.

Sec. 24. Any common carrier violating the provisions of this Section of this Act shall forfeit to the State the sum of not less than \$1.00 nor more than \$5.00 per head for each sheep so unlawfully transported by it, which may be recovered by suit instituted on behalf of the State in any Court of this State having jurisdiction of the amount involved in any County through which said common carrier by rail transported such shipment. Provided that such suits may be maintained in all Counties into or through which said movement of sheep is transported, said suits shall be instituted by the County attorney of the respective Counties into or through which said movements are made and further provided that if any corporation or Company shall violate any of the penal provisions of this Act, it shall be the duty of the County Attorneys in each County in which said offense occurs to file a civil suit in the Court of proper jurisdiction in the name and on behalf of the State of Texas for the collection of said penalties.

Sec. 25. The Live Stock Sanitary Commission is hereby authorized to quarantine any County or district or premises, places, roads, pastures, lots, yards, stockyards, enclosures, cattle or sheep whenever it has determined by inspection through an authorized inspector that scabies infection or exposure thereto exists therein or thereon, and notice of said quarantine shall be given by posting a written notice thereof at the County Court House door of the County in which said quarantine is established, and two other notices of conspicuous places within the area or place quarantined, or by publication in a newspaper in said county, or if

there be no newspaper therein, by publication in some newspaper in an adjoining county or by delivering a written or printed notice thereof to the owner or caretaker of the livestock or territory or place to be quarantined, said delivery to be made in person by an inspector or other employe of the Live Stock Sanitary Commission, or by a member of said Commission to deliver the same, or by sending by United States mail. Any one of the foregoing methods of giving notice shall be sufficient, but it shall not be necessary to give notice in more than one way. Whenever a territory, County, or district is quarantined under the provisions of this Act, all local premises, cattle and sheep therein shall thereby become quarantined without designating them separately.

Sec. 26. The Chairman of the Live Stock Sanitary Commission is hereby authorized to perform any and all acts and duties which the Live Stock Sanitary Commission is authorized by this Act to do.

Sec. 27. This Act is cumulative of all existing Statutes with reference to the quarantining of sheep and cattle or premises upon which the same are located, and the eradication of sheep and cattle scabies and shall not be construed as repealing the same unless in direct conflict therewith.

Sec. 28. This Act shall be liberally construed and if any section thereof be declared invalid, the remaining parts of law shall not be affected thereby, and it is the intent of the Legislature to preserve any and every portion of said Act if possible.

Sec. 29. The fact that there is now no adequate law in this State providing for the eradication and cure of sheep and cattle scabies, and the great damage done to the livestock from such disease creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room,
Austin, Texas, May 24, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

"S. B. No. 31, A bill to be entitled "An Act ratifying and validating an election heretofore held in and throughout Dimmit County, Texas, upon the question of authorizing the issuance of \$560,000.00 Special Road Bonds of said county, and levying a tax in payment thereof; ratifying and validating the petition for such election, the order calling such election and notices thereof, and all other orders passed by the commissioners' court of said county in respect thereto, including the order declaring result of such election and the order authorizing the issuance of such bonds and levying a tax in payment thereof; authorizing the commissioners' court and proper officials of Dimmit County to complete the issuance of such bonds; ratifying and validating the taxes levied in payment of such bonds, and authorizing and directing the commissioners' court of Dimmit County to levy, assess and collect annually a general ad valorem tax upon all taxable property in said county sufficient to pay the interest on said bonds and the principal thereof as they mature; and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, May 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 35, A bill to be entitled "An Act providing for the separation of all public free school affairs in cities or towns from the municipal government therein; providing that all the power and authority over such schools shall be exercised by such cities or towns through their boards of education; providing for the election of trustees of the independent districts authorized herein; vesting the title to school property of such cities and towns in the independent district; authorizing the independent districts to assume outstanding bonds of cities and towns

issued for school purposes; repealing all laws and parts of laws in conflict with the provisions of this Act, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

By Holbrook.

S. B. No. 35.

A BILL

To Be Entitled

An Act providing for the separation of all public free school affairs in cities or towns from the municipal government therein; providing that all the power and authority over such schools shall be exercised by such cities or towns through their boards of education; providing for the election of trustees of the independent districts authorized herein; vesting the title to school property of such cities and towns in the independent district; authorizing the independent districts to assume outstanding bonds of cities and towns issued for school purposes; repealing all laws and parts of laws in conflict with the provisions of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the board of education in each and every incorporated city or town which has, when this Act becomes effective, control of the public free schools therein, regardless of whether such control was acquired by authority of Articles 2759, 2768 or 2769 of the Revised Civil Statutes of 1925, or any local, general or special law, or the provision of any charter, or by any other authority, shall hereafter have and exercise authority to control and manage the public schools of such city or town; and in the exercise of such authority the said board of education shall be independent of the municipal government of said city or town, and the municipal authorities of such city or town shall have no further control, jurisdiction or authority over the public schools thereof under the provisions of any law, general, special, or local, or the provision of any charter of such city or town.

Sec. 2. All authority existing in any such city or town having any

relation to, or connection with, the public free schools therein, and all the duties imposed by law upon such city or town concerning the support, control or management of such schools, shall hereafter be exercised by such city or town through the board of education therein; and each city or town having heretofore had the control and management of the public schools thereof shall hereafter constitute an independent school district, governed and controlled by the board of education thereof, as provided by General Law for the control and management of independent school districts.

Sec. 3. The board of education of such an independent district, as is provided for in Section 2 of this Act, shall consist of seven members elected at the time, in the manner, and for such term as is now, or may hereafter be, provided by General Law relating to the control, management and organization of independent school districts; provided, however, that nothing in this Act shall be so construed as to prevent any member of the board of education of any city or town referred to in Section 1 from serving the remainder of the term for which he was elected or appointed prior to the passage of this Act. And the said independent school district is hereby vested with all the rights, powers and duties of an independent school district incorporated for free school purposes, including the right to levy taxes and issue bonds for school purposes, as provided by General Law.

Sec. 4. The title to all property owned and used by any city or town referred to in Section 1 of this Act, which has heretofore been acquired and used for school purposes, shall hereafter vest in the independent district provided for in Section 2, and shall be managed and controlled by the board of trustees thereof, as is now, or may hereafter be, provided by General Law. And in the event any city or town has outstanding bonds issued for school purposes, the independent school district may by a majority vote of the qualified tax-paying voters thereof assume said bonds and authorize the levy of a tax to pay the interest thereon and to pay the principal at maturity; the election for this purpose to be governed by the General Law relating to independent school districts.

Sec. 5. All laws and parts of laws, General and Special, in conflict herewith are hereby repealed.

Sec. 6. The unsettled and unsatisfactory conditions of the schools in many of the cities and towns of this State, together with the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, May 25, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|------------|------------|
| Bailey. | Neal. |
| Berkeley. | Parr. |
| Bledsoe. | Pollard. |
| Bowers. | Real. |
| Fairchild. | Reid. |
| Floyd. | Russek. |
| Greer. | Smith. |
| Hall. | Stuart. |
| Hardin. | Triplett. |
| Holbrook. | Westbrook. |
| Lewis. | Wirtz. |
| Love. | Witt. |
| Miller. | Wood. |
| Moore. | Woodward. |

Absent.

| | |
|------------|-------|
| McFarlane. | Ward. |
| Price. | |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Bills and Resolutions.

By Senator Pollard:

S. B. No. 38, A bill to be entitled "An Act relating to the duties of the county board of trustees of the